

**FINDINGS OF CONFORMANCE
MULTIPLE SPECIES CONSERVATION PROGRAM
For Sundale Major Subdivision
TM 5466; ER 05-14-043**

April 1, 2008

I. Introduction

The project is a major subdivision of approximately 7.85 acres into 15 residential parcels. The project site is located just east of Jamacha Boulevard off Sundale Road, in the Valle De Oro Community Planning Area of unincorporated San Diego County (APN 517-131-05).

The project site contains an existing single family residence and nine greenhouse structures associated with agriculture farming operations, all structures will be removed. The site is fairly flat and contains a highly disturbed drainage in its southwest portion of the site. Habitats on-site and offsite include 6.23 acres of urban developed habitat, 1.43 acres of Non native grassland, 0.15 acres of Southern willow scrub, and 0.04 acre of freshwater seep. No sensitive plant or wildlife species were observed on site, and there are no known wildlife corridors or linkages through the site.

The subdivision would directly impact most of the project site through clearing, grading and construction for housing pads, fire-clearing, and access roads/driveways. Off-site road improvements are not required. The surrounding residential development and the disturbed nature of the off-site parcel,.

Impact acreages are listed in Table 1. Mitigation will consist of off-site habitat purchase, an on-site Open Space Easement and a Limited Building Zone Easement, as detailed in the Mitigation Negative Declaration (MND) and shown on the Open Space Exhibit. The Open Space Easement will include the on-site drainage that qualifies as County wetland.

Table 1. Impacts to Habitat and Required Mitigation

Habitat Type	Tier	Existing On-site (ac.)	Proposed On-Site Impacts (ac.)	Preserved on site (ac.)	Mitigation Ratio	Required Mitigation
Fresh Water Seep	I	0.04	0.04	0	3:1	0.12
Southern Willow Scrub	I	0.15	0	0.15	2:1	N/A
Non-native grassland	III	1.43	1.42	0.01	0.5:1	0.71
Urban/ Developed	IV	6.23	6.12	0.11	N/A	N/A
Total:	--	7.85	7.58	0.27	--	0.79

The findings contained within this document are based on County records, staff field site visits and the Biological Technical Report (Vince Scheidt, January 2008). The

information contained within these Findings is correct to the best of staff's knowledge at the time the findings were completed. Any subsequent environmental review completed due to changes in the proposed project or changes in circumstance will require new findings based on the environmental conditions at that time.

The project has been found to conform to the County's Multiple Species Conservation Program (MSCP) Subarea Plan, the Biological Mitigation Ordinance (BMO) and the Implementation Agreement between the County of San Diego, the CA Department of Fish and Game and the US Fish and Wildlife Service. Third Party Beneficiary Status and the associated take authorization for incidental impacts to sensitive species (pursuant to the County's Section 10 Permit under the Endangered Species Act) shall be conveyed only after the project has been approved by the County, these MSCP Findings are adopted by the hearing body and all MSCP-related conditions placed on the project have been satisfied.

II. Biological Resource Core Area Determination

The impact area and the mitigation site shall be evaluated to determine if either or both sites qualify as a Biological Resource Core Area (BRCA) pursuant to the BMO, Section 86.506(a)(1).

A. Report the factual determination as to whether the proposed Impact Area qualifies as a BRCA. The Impact Area shall refer only to that area within which project-related disturbance is proposed, including any on and/or off-site impacts.

The Impact Area on the project site does not qualify as a BRCA since it does not meet any of the BRCA criteria.

i. The land is shown as Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

The project site is not shown as being a Pre-Approved Mitigation Area (PAMA) on the MSCP County Subarea Plan maps. The nearest PAMA area is located approximately 0.30 miles southwest of the project site.

ii. The land is located within an area of habitat that contains biological resources that support or contribute to the long-term survival of sensitive species and is adjacent or contiguous to preserved habitat that is within the Pre-Approved Mitigation Area on the wildlife agencies' Pre-Approved Mitigation Area map.

No sensitive plant or animal species were observed on the site. The site will not contribute to the long-term survival of sensitive species due to its small amount of native habitat and existing development on all sides. The small area of Non-native grassland and southern willow scrub occurs on site but is not contiguous with any areas of biological open space nor any areas of PAMA or MSCP preserve lands.

- iii. The land is part of a regional linkage/corridor. A regional linkage/corridor is either:**
- a. Land that contains topography that serves to allow for the movement of all sizes of wildlife, including large animals on a regional scale; and contains adequate vegetation cover providing visual continuity so as to encourage the use of the corridor by wildlife; or**
 - b. Land that has been identified as the primary linkage/corridor between the northern and southern regional populations of the California gnatcatcher in the population viability analysis for the California gnatcatcher, MSCP Resource Document Volume II, Appendix A-7 (Attachment I of the BMO.)**

The site is not part of a regional linkage/corridor as identified on MSCP maps nor is it in an area considered regionally important for wildlife dispersal. Surrounding properties are small lots developed with residential uses.

- iv. The land is shown on the Habitat Evaluation Map (Attachment J to the BMO) as very high or high and links significant blocks of habitat, except that land which is isolated or links small, isolated patches of habitat and land that has been affected by existing development to create adverse edge effects shall not qualify as BRCA.**

The Habitat Evaluation Map shows the majority of site as agriculture and developed. There is a small portion of the site that is mapped as very high value. The very high value area contains 0.15 acre of Southern willow scrub which will be completely avoided by the project design and the implementation of open space. The habitat on site is isolated and located within a developed residential area. The site does not function as a connection between large areas of undisturbed habitat.

- v. The land consists of or is within a block of habitat greater than 500 acres in area of diverse and undisturbed habitat that contributes to the conservation of sensitive species.**

The land is not within a block of habitat greater than 500 acres of diverse and undisturbed habitat. The 7.85 acre site is surrounded on all sides by existing residential development

- vi. The land contains a high number of sensitive species and is adjacent or contiguous to surrounding undisturbed habitats, or contains soil derived from the following geologic formations which are known to support sensitive species:**
- a. Gabbroic rock;**
 - b. Metavolcanic rock;**
 - c. Clay;**

d. Coastal sandstone

The site is not contiguous with undisturbed habitats. No sensitive species have been identified on the site during surveys conducted in 2003 and 2006. The property has been mapped as Placentia sandy loam soil, which is not known to support sensitive species.

B. Report the factual determination as to whether the Mitigation Site qualifies as a BRCA.

The Mitigation Site is considered a BRCA because the off-site mitigation purchase will occur within a County-approved mitigation bank or at a site meeting one or more of the BRCA criteria.

The open space proposed on-site for this project is solely for purposes of avoiding a sensitive resource. This open space is not considered a Biological Resource Core Area and therefore, is not considered part of the regional MSCP preserve system. The requirements relating to the "Preserve" outlined in the County's Subarea Plan, the Implementation Agreement and the Final MSCP Plan will not apply to this open space.

III. Biological Mitigation Ordinance Findings

The following findings in support of Project Design Criteria, including Attachments G and H (if applicable), must be completed for all projects that propose impacts to Critical Populations of Sensitive Plant Species (Attachment C), Significant Populations of Narrow Endemic Animal Species (Attachment D), Narrow Endemic Plant Species (Attachment E) or Sensitive Plants (San Diego County Rare Plant List) or proposes impacts within a Biological Resource Core Area.

The project will not impact any of these types of resources. Project design criteria, including attachments G and H of the BMO, are not required.

IV. Subarea Plan Findings

Conformance with the objectives of the County Subarea Plan is demonstrated by the following findings:

1. The project will not conflict with the no-net-loss-of-wetlands standard in satisfying State and Federal wetland goals and policies.

The northwest corner of the site contains 0.04 acre freshwater seep which has poorly developed habitat. This area contains water provided by an existing culvert that carries water from offsite properties to the north. There is existing soil on top of asphalt. Due to the man made and artificial nature the freshwater seep this area is not a Resource Protection Ordinance (RPO) wetland. All impacts to this habitat will be mitigated through the offsite purchase of wetland credits at 3:1 mitigation ratio.

There is a small portion of a natural drainage in the southwest corner of the property which is considered a wetland under state and county regulations. The drainage flows almost entirely offsite crossing the southwest corner of the site and continuing offsite into two large box culverts beneath Hillsdale Road. The wetland and a 50 foot wetland buffer will be preserved in a dedicated Biological Open Space Easement. An 80 to 100 foot limited building zone easement will also be implemented to prevent additional impacts to the wetland including fire clearing. Therefore, there will be no net loss of wetlands due to this project.

2. The project includes measures to maximize the habitat structural diversity of conserved habitat areas including conservation of unique habitats and habitat features.

The site contains four habitat types: urban developed habitat, Non native grassland, freshwater seep, and southern willow scrub. The southern willow scrub is considered unique and will be conserved in a dedicated Biological Open Space Easement.

The project will also impact non-native grassland and freshwater seep. These two habitats are not diverse, and the small size of the site and adjacent residential development make this site more suitable for development than on-site conservation. Off-site mitigation purchase will contribute toward maximizing diversity by preserving habitat in areas known to have unique habitats and habitat features.

3. The project provides for conservation of spatially representative examples of extensive patches of Coastal sage scrub and other habitat types that were ranked as having high and very high biological values by the MSCP habitat evaluation model.

There are no stands of Coastal Sage Scrub on the site. The MSCP habitat evaluation model ranks the site as developed, agriculture, and very high value. The "very high value" habitat is located in the southwestern corner of the site and primarily consists of southern willow scrub and is infused with invasive non native species as well. The native habitat in this drainage will not be removed by the project. A Biological Open Space Easement over the drainage and a buffer will be dedicated to the County as a condition of this project.

4. The project provides for the creation of significant blocks of habitat to reduce edge effects and maximize the ratio of surface area to the perimeter of conserved habitats.

Due to existing residential development on-site and on adjacent lots, it is not possible or desirable to create a significant block of habitat through on-site preservation. The on-site wetland and a wetland buffer will be preserved on site in the southwestern corner of the site. Impacts to the remainder of the site will be

mitigated through off-site purchase. Off-site mitigation as proposed by the project will contribute toward creating large blocks of high quality habitat where edge effects are minimal and land is protected in perpetuity.

5. The project provides for the development of the least sensitive habitat areas.

The project site is disturbed, and does not contain any particularly sensitive habitat areas. The disturbed wetland will be preserved within in a dedicated Open Space Easement in the southwest corner of the project site. The remainder of the site contains non-native grassland and developed land that is of low sensitivity. Due to existing development on all sides the site has minimal value for long-term conservation of sensitive plants or wildlife. Development of the project site is not considered a significant impact to sensitive habitat.

6. The project provides for the conservation of key regional populations of covered species, and representations of sensitive habitats and their geographic sub-associations in biologically functioning units.

No sensitive, threatened, endangered, or narrow endemic species were detected on the project site. The site has a moderate potential to support four (4) sensitive wildlife species: Cooper's hawk (*Accipiter cooperi*), loggerhead shrike (*Lanius ludovicianus*), Great blue heron (*Ardea herodias*), and turkey vulture (*Cathartes aura*). However, due to the site's location and surrounding residential development, no key regional populations of these species are expected.

Off-site mitigation as proposed by the project will contribute in the preservation of large blocks of high quality habitats in a formal mitigation bank or BRCA containing these habitats as well as other sensitive habitats in a biologically functioning unit.

7. Conserves large interconnecting blocks of habitat that contribute to the preservation of wide-ranging species such as Mule deer, Golden eagle, and predators as appropriate. Special emphasis will be placed on conserving adequate foraging habitat near Golden eagle nest sites.

The site is not located adjacent to any known golden eagle nest sites or within known eagle foraging areas. Adjacent lands are developed with residential uses such as those proposed with the project. No wide-ranging species are expected to occur on site, due to adjacent development and surrounding land uses. Off-site purchase and preservation of high quality habitat to mitigate for impacts to non-native grassland will occur in an approved mitigation bank or BRCA, which will contribute to the development of large interconnecting blocks of habitat that support wide-ranging species

8. All projects within the San Diego County Subarea Plan shall conserve identified critical populations and narrow endemics to the levels specified in the Subarea Plan. These levels are generally no impact to the critical

populations and no more than 20 percent loss of narrow endemics and specified rare and endangered plants.

No critical populations or narrow endemic species were detected or expected to occur on the site. Most sensitive species have a low potential to be present due to the disturbed nature of the site and surrounding development.

9. No project shall be approved which will jeopardize the possible or probable assembly of a preserve system within the Subarea Plan.

The project site is not considered a Biological Resources Core Area for the reasons stated in section II.A. The site has low biological diversity and relatively small size, limiting its potential to support significant habitat blocks or populations of any species. In addition, existing development on site and adjacent to it preclude it from being a biologically-viable preserve. Therefore, development of the site will not hinder possible preserve systems within the Subarea Plan. In addition, the off-site mitigation purchases required to mitigate on-site impacts will contribute to the development of a preserve system within the Subarea Plan.

10. All projects that propose to count on-site preservation toward their mitigation responsibility must include provisions to reduce edge effects.

The on-site preservation is required to comply with the Resource Protection Ordinance, and will not be counted toward mitigation. The on-site wetland and wetland buffer will be preserved within a dedicated Biological Open Space Easement. An 80 to 100 foot Limited Building Zone Easement will be dedicated between the proposed development and the Open Space Easement. This easement will prevent construction adjacent to the open space and will prevent future fire-clearing in the open space.

11. Every effort has been made to avoid impacts to BRCAs, to sensitive resources, and to specific sensitive species as defined in the BMO.

The project site is not within a Biological Resource Core Area. The site supports 1.43 acres of non-native grassland, 0.15 acres of southern willow scrub, 0.04 acre of freshwater seep, and 6.23 acres of developed land. Southern willow scrub and freshwater seep is a Tier I habitat, while non-native grassland is a Tier III habitat, both habitats are considered sensitive within the MSCP. The project will conserve all of disturbed wetland with a dedicated open space. However, developing the entire site is not considered a significant impact to sensitive habitat because the small amount of habitat on site is surrounded by residential development in all directions. There were no threatened, endangered or narrow endemic species detected on-site. No significant populations of sensitive species are expected to reside on the property due to its disturbed condition and the surrounding land uses. The project site as a whole is not considered sensitive, nor are there any particularly sensitive resources present. Avoidance is therefore not necessary and project-

related impacts are not considered significant once mitigation pursuant to BMO requirements is incorporated.

Monica Bilodeau, Department of Planning and Land Use
April 1, 2008

MSCP Designation For
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